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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 JINNI TECH LTD, et al.,

11 Plaintiffs,

12 v.

13 RED.COM, INC., et al.,

14 Defendants.

CASE NO. C17-0217JLR

ORDER GRANTING STAY

15 **I. INTRODUCTION**

16 Before the court is Plaintiffs Jinni Tech, Ltd. (“Jinni Tech”) and Bruce Royce’s
17 (collectively, “Plaintiffs”) motion to stay. (MTS (Dkt. # 49).) Defendants RED.com,
18 Inc. and RED.com, LLC (collectively, “Defendants” or “RED”) oppose the motion
19 (Resp. (Dkt. # 54)), and Plaintiffs filed a reply (Reply (Dkt. # 56)). The court has
20 considered the parties’ submissions in support of and in opposition to the motion, the

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1 relevant portions of the record, and the applicable law. Being fully advised,¹ the court
2 GRANTS Plaintiffs’ motion to stay.

3 **II. BACKGROUND**

4 The court detailed this case’s factual and procedural background in its prior order
5 on RED’s motion to dismiss or transfer. (*See* 10/20/17 Order (Dkt. # 32) at 2-8.) Thus,
6 in this order, the court recounts only the facts and procedural history salient to the instant
7 motion.

8 **A. Jinni Tech and RED’s Products**

9 This case involves competing filmmaking products manufactured and sold by the
10 parties. (*See* FAC (Dkt. # 10) ¶¶ 3-6; Answer (Dkt. # 33) ¶ 3.) RED manufactures and
11 sells high-end, digital cameras, which are widely used by the filmmaking industry. (*See*
12 FAC ¶ 3; Answer ¶ 3.) As part of their business, Defendants also sell the RED
13 Mini-Mag—a memory storage device, known as a solid state drive (“SSD”), that is
14 compatible with RED digital cameras. (FAC ¶¶ 41-42; Answer ¶¶ 17-18.) According to
15 Plaintiffs, Defendants’ President, Jarred Land, owns and operates a website called
16 reduser.net, which hosts a forum for individual RED camera owners and others active in
17 the cinematography industry to “share information about RED cameras and accessories.”
18 (FAC ¶¶ 23, 43-44; *see also* Answer ¶¶ 11, 20.)

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21 ¹ Neither party requests oral argument on the motion (*see* MTS at 1; Resp. at 1), and the
22 court finds oral argument unnecessary to its disposition of the motion, *see* Local Rules W.D.
Wash. LCR 7(b)(4).

1 Jinni Tech also manufactures and sells cinematography equipment. (*See* FAC
2 ¶ 34.) On July 31, 2016, Jinni Tech introduced a competing SSD media accessory called
3 the JinniMag, which it marketed as “an affordable third-party media accessory that is
4 compatible with RED cameras.” (*Id.* ¶ 38; *see id.* ¶¶ 34-37, 66-67.)

5 **B. Statements Regarding Plaintiffs After the Introduction of JinniMag**

6 Plaintiffs allege that, after Jinni Tech introduced the JinniMag, RED made or
7 encouraged a series of allegedly false statements about Jinni Tech. These statements
8 insinuated that the JinniMag was a “scam,” an “IP theft,” and “a fake.” (*Id.* ¶ 71.)
9 Plaintiffs claim that Mr. Land accused Jinni Tech of duplicating RED’s intellectual
10 property and “describing Jinni Tech and/or Mr. Royce as a hacker, a pirate, and a thief.”
11 (*Id.* ¶¶ 72, 75.) Plaintiffs allege that numerous similar statements were made on the
12 reduser.net forum and Facebook. (*See, e.g., id.* ¶¶ 70-71c; 73, 77a-77g; 85-86c.)
13 According to Plaintiffs, these actions damaged Mr. Royce’s professional reputation and
14 caused Mr. Royce and his family “serious emotional distress, anxiety, and stress,
15 resulting in harm to Mr. Royce’s emotional and physical health, including severe physical
16 pain and a sleep disorder.” (*Id.* ¶¶ 97-98.)

17 **C. Procedural History**

18 Plaintiffs filed suit on February 10, 2017. (*See* Compl. (Dkt. # 1).) Their
19 complaint alleges that Defendants falsely advertised RED’s products and engaged in
20 unfair competition, in violation of the Lanham Act, 15 U.S.C. § 1125(a). (*Id.* ¶¶ 90-108;
21 FAC ¶¶ 107-25.) It also asserts various violations of Washington law, including product
22 disparagement and trade libel (Compl. ¶¶ 109-15; FAC ¶¶ 126-34); tortious interference

1 (Compl. ¶¶ 116-22; FAC ¶¶ 135-42); intentional and negligent infliction of emotional
2 distress (Compl. ¶¶ 136-43; FAC ¶¶ 157-64); defamation (Compl. ¶¶ 144-52; FAC
3 ¶¶ 165-73); and portraying Plaintiffs in a false light (Compl. ¶¶ 153-61; FAC ¶¶ 174-82).
4 Finally, the complaint alleges that Defendants violated the Washington Consumer
5 Protection Act by engaging in unfair competition in violation of RCW 19.86 (Compl.
6 ¶¶ 123-28; FAC ¶¶ 143-49) and violating Mr. Royce’s right of privacy in contravention
7 of RCW 9.73.060 (Compl. ¶¶ 129-35; FAC ¶¶ 150-56).

8 A month later, on March 2, 2017, RED.com, Inc. brought suit against Jinni Tech
9 and Mr. Royce in the Central District of California, alleging patent infringement,
10 trademark infringement, and other violations of federal and state law. *See generally*
11 *Red.com, Inc. v. Jinni Tech, Ltd.*, No. 8:17-cv-00382-CJC-KES, Dkt. # 1 (“Compl.”)
12 (C.D. Cal.) (hereinafter, “the California case”). The complaint describes the ’385 patent,
13 owned by RED, which covers the RED SSD accessories. *Id.*, Compl. ¶ 14. It asserts that
14 Jinni Tech and Mr. Royce “have in the past infringed and are currently infringing the
15 ’385 patent.” *Id.*, Compl. ¶ 43. Jinni Tech and Mr. Royce moved to dismiss the
16 California case on various grounds, including lack of personal jurisdiction and improper
17 venue, and alternatively, to transfer the action to this district. *Id.*, Dkt. # 30 (“Order on
18 MTD”) at 1-2. The Central District of California denied the motion. *See generally id.*,
19 Order on MTD.

20 On May 23, 2017, Jinni Tech and Mr. Royce filed an amended complaint in this
21 suit, adding two claims seeking declaratory judgments of noninfringement and invalidity
22 of the ’385 Patent—the same patent at issue in the California case. (*See* FAC ¶¶ 183-88.)

1 Defendants then filed a motion to dismiss or transfer. (*See* MTD (Dkt. # 15).) The court
2 granted Defendants’ request to dismiss Plaintiffs’ patent-related claims pursuant to the
3 first-to-file rule. (*See* 10/20/17 Order at 37.) The court denied the remainder of
4 Defendants’ motion after finding that it had personal jurisdiction over RED.com, Inc. and
5 RED.com, LLC, and that venue in this court was proper for Plaintiffs’ non-patent claims.
6 (*Id.*) The court also declined to transfer the case to the Central District of California, and
7 denied Defendants’ 12(b)(6) motion to dismiss. (*Id.*)

8 On November 29, 2017, the Central District of California reversed its order
9 upholding Red.com’s patent infringement suit. (*See* Whitaker Decl. (Dkt. # 37) ¶ 3, Ex.
10 A.; *see also* 1/25/18 Order (Dkt. # 41) at 3.) On a motion for reconsideration, the
11 California court held that “[b]ecause the ‘385 Patent had not issued when [RED.com]
12 filed its Complaint, there was no justiciable case or controversy at the time of filing.”
13 (*Id.*) Accordingly, the Central District of California dismissed RED.com’s patent
14 infringement claims without prejudice. (*Id.*) Both parties immediately took action that
15 same day. RED.com refiled a suit for infringement of the ‘385 Patent in the Central
16 District of California. (*See* Whitaker Decl. ¶ 4, Ex. B; 1/25/18 Order at 3.) Plaintiffs
17 then filed what was styled as a motion for reconsideration in this court—but in fact was a
18 motion for relief brought pursuant to Federal Rule of Civil Procedure 60(b)—asking the
19 court to reinstate the declaratory judgment patent claims. (*See* MFR (Dkt. # 36).) The
20 court denied Plaintiffs’ Rule 60(b) motion on numerous grounds. (*See generally* 1/25/18
21 Order.)

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1 The California case is scheduled for trial on May 7, 2019. (MTS at 5.) This case
2 is scheduled for trial on August 19, 2019. (Sched. Order (Dkt. # 24) at 1.)

3 **D. Present Motion**

4 Plaintiffs now move to stay this action pending resolution of the California case.
5 (See MTS at 1.) Plaintiffs claim that the issues in the California case “are intimately
6 related, and indeed foundational to issues here.” (*Id.*) In short, Plaintiffs argue that the
7 question whether Jinni Tech has infringed on RED’s patent—which is at issue in
8 California—is central to, if not dispositive of, Plaintiffs’ non-patent claims in this court.
9 (See *generally id.*) For example, Plaintiffs allege that this court cannot determine
10 whether RED falsely accused Plaintiffs of “stealing from RED and committing
11 intellectual property theft” (*see, e.g.*, FAC ¶ 119c) until the Central District of California
12 decides whether patent infringement occurred (MTS at 5). For this reason, Plaintiffs
13 argue that the disposition of the California case will clarify the issues in this case, if not
14 resolve this case entirely. (*Id.* at 5.) Moreover, Plaintiffs contend that if both this case
15 and the California case proceed as scheduled, the two juries could return conflicting
16 verdicts, leaving the Ninth Circuit in an untenable position. (*Id.* at 6.)

17 Conversely, RED claims that there is little overlap between the issues in the two
18 cases, such that a resolution in the California case will not aid this court in deciding the
19 non-patent claims. (Resp. at 8-9.) RED also asserts that Plaintiffs’ true motivation in
20 seeking a stay is not for reasons of consistency or judicial economy, but rather to avoid
21 discovery—especially Mr. Bruce’s deposition—and delay Defendants’ forthcoming
22 summary judgment motion. (*Id.* at 9-11.) Lastly, RED argues that Plaintiffs should be

1 judicially estopped from achieving a stay. (*Id.* at 11-13.) According to RED, Plaintiffs’
2 current position that the two cases are linked is inconsistent with Plaintiffs’ opposition to
3 RED’s motion to transfer, where Plaintiffs argued against a transfer because the two
4 cases were distinct. (*Id.* at 11-13; *see also* MTD (Dkt. # 15); MTD Resp. (Dkt. # 21).) In
5 the alternative, Defendants request that, if the court grants the motion to stay, the court
6 should still allow the parties to continue discovery and allow RED to file its motion for
7 summary judgment. (Resp. at 13.)

8 The court now addresses the motion.

9 III. ANALYSIS

10 A. The Court’s Authority to Issue a Stay

11 “A district court has inherent power to control the disposition of the causes on its
12 docket in a manner which will promote economy of time and effort for itself, for counsel,
13 and for litigants.” *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962). “[T]he District
14 Court has broad discretion to stay proceedings as an incident to its power to control its
15 own docket.” *Clinton v. Jones*, 520 U.S. 681, 706-07 (1997) (citing *Landis v. N. Am.*
16 *Co.*, 299 U.S. 248, 254 (1936)). A district court may stay an action “pending resolution
17 of independent proceedings which bear upon the case” even if the other proceedings do
18 not control the action before the court. *Leyva v. Certified Grocers of Cali, Ltd.*, 593 F.2d
19 857, 863-64 (9th Cir. 1979) (citations omitted). “Indeed, where a stay is considered
20 pending the resolution of another action, the court need not find that two cases involve
21 identical issues; a finding that the issues are substantially similar is sufficient to support a
22 stay.” *Washington v. Trump*, No. C17-0141JLR, 2017 WL 1050354, at *4 (W.D. Wash.

1 Mar. 17, 2017) (citing *Landis*, 299 U.S. at 254). A stay based on independent
2 proceedings should only be granted if “it appears likely the other proceedings will be
3 concluded within a reasonable time in relation to the urgency of the claims presented to
4 the court.” *Leyva*, 593 F.2d at 864.

5 “The proponent of a stay bears the burden of establishing its need.” *Clinton*, 520
6 U.S. at 708 (citing *Landis*, 299 U.S. at 255). “[I]f there is even a fair possibility” that the
7 stay will damage another party, then the proponent of the stay “must make out a clear
8 case of hardship or inequity in being required to go forward.” *Landis*, 299 U.S. at 255.

9 **B. The Factors the Court Considers**

10 In considering a stay, a district court must weigh the following competing
11 interests: (1) “the possible damage which may result from the granting of a stay”;
12 (2) “the hardship or inequity which a party may suffer in being required to go forward”;
13 and (3) “the orderly course of justice measured in terms of the simplifying or
14 complicating of issues, proof, and questions of law which could be expected to result
15 from a stay.” *CMAX*, 300 F.2d. at 268 (citing *Landis*, 299 U.S. at 254-55).

16 1. Possible Damage Resulting from a Stay

17 Because RED opposes the motion, the court considers any damage that may result
18 to RED if the court imposes a stay. *See Lockyer v. Mirant Corp.*, 389 F.3d 1098, 1110
19 (9th Cir. 2005); *Washington*, 2017 WL 1050354, at *4. Plaintiffs argue that they are the
20 only party that could potentially be harmed by a stay because they are effectively unable
21 to sell the JinniMag while the cases remain pending. (MTS at 5.) RED, however, asserts
22 that a stay will damage its ability to conduct timely and complete discovery, including

1 taking Mr. Bruce’s deposition, preventing it from finalizing its summary judgment
2 motion and resolving this case. (Resp. at 9-10.) Plaintiffs state that RED’s issue with
3 Mr. Bruce’s deposition is a red herring—Mr. Bruce’s deposition was initially delayed
4 because Plaintiffs changed counsel, and Mr. Bruce has now agreed to appear for a
5 deposition between October 22 and October 27. (Reply at 3.) The court finds that any
6 damage to RED caused by a delay in proceedings would be minimal.

7 Although a court considering a stay should be mindful of a possible “loss of
8 evidence, including the inability of witnesses to recall specific facts,” *Clinton*, 520 U.S. at
9 707-08, this is not a significant concern in this case. The parties have already completed
10 significant discovery. (*See* Resp. at 4 (“the Washington case has progressed through
11 much of discovery and even a mediation”).) And RED’s chief discovery complaint—its
12 inability to take Mr. Bruce’s deposition—appears to be resolved, or will be resolved
13 shortly. (*See* Reply at 3.) Moreover, the court’s stay, as detailed below, will allow
14 discovery to proceed on its current schedule. (*See* Sched. Order at 2 (discovery cutoff
15 date is March 8, 2019)); *see also infra* § III.D.

16 RED’s other concern—that it will not be able to immediately file its summary
17 judgment motion—is not the type of damage described in *Landis*. 299 U.S. at 255. In
18 essence, RED argues that it will suffer damage from a stay because this case will exist
19 longer than it otherwise would. (*See* Resp. at 10.) But this is not a case where a stay
20 would be “indefinite in nature.” *See Dependable Highway Express, Inc. v. Navigators*
21 *Ins. Co.*, 498 F.3d 1059, 1066 (9th Cir. 2007) (“Generally, stays should not be indefinite
22 in nature.”). Rather, a stay would only minimally extend the case: the California case is

1 scheduled for trial on May 7, 2019, which is three months before this case's current
2 August 19, 2019, trial date. Moreover, the purpose of the proposed stay is to help resolve
3 the issues before this court. Even if RED were to file its summary judgment motion in
4 the near future, it is not clear that the court could decide the motion without knowing
5 whether patent infringement occurred. Nor is it certain that the motion would resolve this
6 case: discovery does not close until March 2019, and Plaintiffs suggest that they would
7 request a Rule 56(d) deferment of any summary judgment motion until relevant discovery
8 is completed. (Reply at 4); Fed. R. Civ. P. 56(d) ("If a nonmovant shows . . . it cannot
9 present facts essential to justify its opposition, the court may: (1) defer considering the
10 motion or deny it; (2) allow time to obtain affidavits or declarations or to take discovery;
11 or (3) issue any other appropriate order.").

12 In short, RED does not point to any actual harm that would result from a stay,
13 other than the general unpleasantness of being involved in a lawsuit. (*See generally*
14 Resp.) But RED offers no authority that says involvement in litigation is itself a harm
15 sufficient to defeat a stay.² (*See generally* Resp.). Courts that have denied stays have
16 cited different and more significant harms than RED has alleged. *See, e.g., Dependable*
17 *Highway*, 498 F.3d at 1066 (overruling a stay that would first force a company to enter
18 into arbitration in a foreign country when it was unclear if the company even agreed to
19 arbitrate); *Lockyer*, 398 F.3d at 1112 (finding that a stay was inappropriate where the stay

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21 ² Although *Clinton v. Jones* asks the court to take into account a party's "interest in
22 bringing the case to trial," this interest is tied to not delaying trial such that the parties could
suffer a "loss of evidence, including the inability of witnesses to recall specific facts, or the
possible death of a party." 520 U.S. at 707-08.

1 could allow an illegal concentration of market power and could threaten economic harm
2 to electricity consumers). Moreover, RED's argument is undermined by the fact that it is
3 still subject to the California case, which it initiated.

4 In sum, the court finds that RED will suffer minimal harm, if any, as a result of a
5 limited stay pending resolution of the California case. *Landis*, 299 U.S. at 255.

6 2. Possible Hardship or Inequity Resulting from Going Forward

7 Because Plaintiffs move for the stay, the court considers any hardship or inequity
8 that they might suffer as a result of going forward. *See Lockyer*, 389 F.3d at 1110;
9 *Washington*, 2017 WL 1050354, at *4. Here, the court finds that denying Plaintiffs'
10 motion would not subject them to hardship or inequity. Plaintiffs would have to engage
11 in discovery and respond to RED's summary judgment motion, "but 'being required to
12 defend a suit, without more, does not constitute a clear case of hardship or inequity' for
13 purposes of a stay." *Washington*, 2017 WL 1050354, at *4 (quoting *Lockyer*, 389 F.3d at
14 1112). This is all the more so because Plaintiffs initiated this suit. However, should the
15 two juries reach inconsistent rulings, both parties could experience hardship or inequity.
16 *See Hawai'i v. Trump*, No. CV 17-00050 DKW-KJM, 2017 WL 536826, at * 3 (D. Haw.
17 Feb. 9, 2017). Therefore, the court considers this factor either neutral or slightly favoring
18 a stay.

19 3. The Orderly Course of Justice

20 Finally, the court considers "the orderly course of justice measured in terms of the
21 simplifying or complicating of issues, proof, and questions of law which could be
22 expected to result from a stay." *CMAX*, 300 F.2d. at 268 (citing *Landis*, 299 U.S. at

1 254-55). Plaintiffs argue that the issues in the California case “are intimately related, and
2 indeed foundational to issues here.” (MTS at 1.) RED claims the opposite. (*See* Resp. at
3 8-11.) The court finds that there is a significant overlap of the issues such that a limited
4 stay pending resolution of the California case would benefit the orderly course of justice.

5 As explained above, the California case relates to whether Jinni Tech or Mr.
6 Royce infringed RED’s rights by manufacturing and selling the JinniMag. *See supra*
7 § II.C. The present case is in large part concerned with whether comments attributable to
8 RED, which accuse Jinni Tech and Mr. Royce of stealing RED’s intellectual property, are
9 potentially actionable forms of disparagement or permissible truthful statements. Indeed,
10 all of Plaintiffs’ claims ask this court to consider to some extent whether patent
11 infringement occurred. (*See* FAC ¶¶ 119a-d (“These acts include false and disparaging
12 statements: a. identifying Jinni Tech and JinniMag as a scam, b. accusing Jinni Tech of
13 making false claims and committing violations, c. accusing Jinni Tech of stealing from
14 RED and committing intellectual property theft, and d. labeling Jinni Tech as a criminal,
15 a hacker, and a pirate.”); *see also* ¶¶ 109d; 128a-d; 138; 144; 151; 158; 166-68; 175-77.)

16 Moreover, some of RED’s affirmative defenses require the court to know whether
17 Plaintiffs committed patent infringement. For example, RED raises the affirmative
18 defense that it was telling the truth when it purportedly said that Plaintiffs’ stole its
19 intellectual property. (Answer ¶ 1.28.) But it will be difficult for the court to determine
20 whether RED’s alleged statements are truthful if the court does not know whether
21 Plaintiffs infringed RED’s intellectual property rights. And whether intellectual property
22 infringement occurred is strictly the province of the Central District of California. (*See*

1 10/20/17 Order at 37 (dismissing Plaintiffs’ patent claims under the first-to-file rule);
2 1/25/18 Order at 7 (same).)

3 For all these reasons, the court finds that a stay will promote judicial economy.
4 Even though the issues in the California case are not identical to the issues here, the court
5 finds that resolution of the California case will help decide the factual and legal issues
6 before the court. *Lockyer*, 398 F.3d at 1113. At the very least, the California case will
7 resolve the technical patent questions that will likely arise in this case. *See CMAX*, 300
8 F.2d at 269 (granting a stay pending the resolution of administrative proceedings that
9 would help develop evidence that related to highly technical tariff questions that were
10 likely to arise in the district court case). Moreover, granting the stay will reduce the risk
11 of inconsistent jury verdicts—*e.g.*, the California jury finds that no patent infringement
12 occurred, while the Washington jury finds that no defamation occurred because Plaintiffs
13 did, in fact, infringe RED’s patent.

14 Therefore, the court finds that a stay pending resolution of the California case will
15 contribute to the orderly course of justice by simplifying the issues, proof, and questions
16 of law in the present case.

17 **C. Judicial Estoppel**

18 Judicial estoppel “is an equitable doctrine invoked by a court at its discretion.”
19 *Russell v. Rolfs*, 893 F.2d 1033, 1037 (9th Cir. 1990) (citing *Religious Tech. Ctr. v. Scott*,
20 869 F.2d 1306, 1311 (9th Cir. 1989)). The doctrine “is invoked to prevent a party from
21 changing its position over the course of judicial proceedings when such positional
22 changes have an adverse impact on the judicial process.” *Id.* It “is most commonly

1 applied to bar a party from making a factual assertion in a legal proceeding which
2 directly contradicts an earlier assertion made in the same proceeding or a prior one.” *Id.*

3 Here, RED argues that Plaintiffs should be judicially estopped from achieving a
4 stay because Plaintiffs’ current position contradicts their prior opposition to RED’s
5 motion to transfer in which they argued against a transfer because the two cases were
6 distinct and should not be tried together. (Resp. at 11-13; *see also* MTD; MTD Resp.)
7 The court disagrees.

8 RED mischaracterizes Plaintiffs prior opposition to RED’s motion to transfer this
9 case to the Central District of California. Plaintiffs did not oppose transfer because the
10 non-patent issues are unrelated to the patent claims in the California case. Rather,
11 Plaintiffs opposed transfer by claiming that the Central District of California lacked
12 personal jurisdiction over Plaintiffs and was an improper venue for the patent and
13 non-patent claims. (*See* MTD Resp. at 18-22.) Moreover, Plaintiffs attempted to try all
14 the claims together when they moved to transfer the California case to this district. *See*
15 *generally Red.com, Inc. v. Jinni Tech, Ltd.*, No. 8:17-cv-00382-CJC-KES, Order on
16 MTD.

17 The court finds that Plaintiffs have not changed their position during this litigation
18 or contradicted their previous assertions, certainly not in a way that has had “an adverse
19 impact on the judicial process.” *Russell*, 893 F.2d at 1037. Therefore, the court DENIES
20 Defendants’ request to dismiss Plaintiffs’ motion on the basis of judicial estoppel.

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1 **D. Parameters of the Stay**

2 The general policy favors “stays of short, or at least reasonable, duration.”
3 *Dependable Highway*, 498 F.3d at 1067. A court should articulate the limits of its stay.
4 *See Landis*, 299 U.S. at 257. “When once those limits have been reached, the fetters
5 should fall off.” *Id.*

6 Here, Plaintiffs request a stay pending resolution of the trial in the California case.
7 (MTS at 1.) The court finds that this request is reasonable. The California case is
8 scheduled for trial on May 7, 2019, which is three months before this case’s current
9 August 19, 2019, trial date. Therefore, except for matters related to discovery, the court
10 stays this case until the proceedings before the Central District of California are
11 complete. During this stay, however, the parties must continue conducting discovery
12 according to the current scheduling order. (*See generally* Sched. Order.) The discovery
13 cutoff date of March 8, 2019, remains in effect, as does the deadline for filing motions
14 related to discovery. (*See id.* at 2.); *cf. CMAX*, 300 F.2d at 269 (granting a stay in a case
15 where all discovery proceedings had concluded, but allowing the parties to apply to the
16 court for further discovery during the stay if necessary). This stay will permit the court to
17 conserve resources and benefit from the California case’s disposition of the patent claims.
18 This limited stay, which addresses Defendants’ concerns about completing discovery,
19 will work minimal hardship, if any, on the parties, and will guard against the risk of
20 inconsistent rulings.

21 Within fourteen (14) days of completion of the proceedings before the Central
22 District of California, the parties shall file a joint status report, briefly outlining the

1 resolution of the California case and proposing a new case schedule. In addition, should
2 circumstances otherwise change such that lifting the stay is warranted, either party may
3 move to lift the stay. Once the stay is lifted, the court will enter a new scheduling order
4 as soon as practicable.

5 **IV. CONCLUSION**

6 For the foregoing reasons, the court GRANTS Plaintiffs' motion to stay as
7 described in this order. (Dkt. # 49.)

8 Dated this 26th day of October, 2018.

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11 JAMES L. ROBART
12 United States District Judge
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